

February 27, 2015, the defendant Field filed objections to the Report and Recommendation (ECF No. 52) and the plaintiffs filed a reply (ECF No. 55).

STANDARD OF REVIEW

The magistrate judge makes only a recommendation to the court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261, 270–71, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation (the “Report”) to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, the court need not conduct a *de novo* review when a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.1982). In the absence of a timely filed, specific objection, the Magistrate Judge's conclusions are reviewed only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005).

DISCUSSION

The magistrate judge prepared an extensive and detailed Report recommending that the defendant Field's motion to dismiss be denied. (ECF No. 50.) As noted above, the plaintiff filed objections to the magistrate judge's Report and Recommendation which the Court has carefully reviewed. The defendant has principally repeated the same arguments he raised in his initial motion to dismiss, as well as his reply. Having conducted a *de novo*

review of all portions of the Report and Recommendation to which the defendant has objected, the Court finds that the magistrate judge fairly and accurately summarized the facts and applied the correct principles of law. The plaintiff's objections provide no basis for this Court to deviate from the Magistrate Judge's recommended disposition.

CONCLUSION

For the reasons stated above, the court adopts and incorporates by specific reference the magistrate judge's Report and Recommendation.

IT IS ORDERED, therefore, that the defendant's motion to dismiss (ECF NO. 24) is DENIED.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

March 18, 2015
Greenville, South Carolina